

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

THERABODY, INC., a Delaware)	
corporation,)	
)	
<i>Plaintiff,</i>)	
)	
v.)	C.A. No. 22-310 (RGA)
)	
THE TJX COMPANIES, INC., a Delaware)	
corporation,)	
)	
<i>Defendant.</i>)	

JOINT STATUS REPORT

Pursuant to the Court’s August 16, 2022 Order (D.I. 38), Plaintiff Therabody, Inc. (“Therabody”) and Defendant The TJX Companies, Inc. (“TJX”) respectfully submit the following Joint Status Report.

On August 16, 2022, the Court stayed the proceedings in this action pending entry of the final judgment in the earlier-filed action against the manufacturer of the Accused Products—Tzumi Electronics LLC and Tzumi Inc. (collectively, “Tzumi”)—in the United States District Court for the Southern District of New York, captioned *Therabody, Inc. v. Tzumi Electronics LLC et al.*, C.A. No. 21-7803 (S.D.N.Y.) (the “Tzumi Action”). See D.I. 38.

In the Tzumi Action, Therabody alleges that the Accused Products made and sold by Tzumi infringe the Patents-in-Suit. Therabody and Tzumi have corresponded and negotiated regarding a potential settlement that would include dismissal of the instant litigation; those discussions remain pending and, while Therabody and Tzumi have made progress toward a resolution, they have not yet reached a final agreement. The Tzumi Action is thus still ongoing. As such, the status of the instant litigation remains unchanged. Neither Therabody nor TJX request lifting the stay at this time.

DATED: August 16, 2023

/s/ Emily S. DiBenedetto

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Respectfully submitted,

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